

ORDINANCE NO. 389

AN ORDINANCE REGARDING NOISE RESTRICTION WITHIN THE CITY OF HAVILAND; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING ORDINANCE NO. 304.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAVILAND, KANSAS:

Subject to the exceptions below described, the following acts are declared to be loud, disturbing and unnecessary noises and constitute violations of this Ordinance:

Section 1. Prohibited conduct:

(a) No person shall operate or cause or permit the operation of any Sound-Producing or Sound-Reproduction Device between the hours of 10:00 p.m. and 7:00 a.m., whether from inside or outside a building, in such a manner or with such volume so as to emit sound which can be heard fifty (50) feet beyond the property line of any property within the City of Haviland.

(b) No person shall operate or cause or permit the operation of any Sound-Producing or Sound-Reproduction Device which is located within, upon or about any motor vehicle which is located on any public street, public parking lot or other public right-of-way by the playing of a sound-producing device so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included.

(c) For purposes of these regulations, the terms "Sound-Producing Device" and "Sound-Reproduction Device" is defined as including any of the following: (i) radios; (ii) record, tape, CD, mp3, or any other audio players; (iii) sound amplifiers; (iv) musical instruments; (v) loudspeakers; and (vi) any other similar device that produces, reproduces or amplifies sound.

(d) No person shall allow to be made or continued, any excessive, unnecessary, unusual or loud noise which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

(e) No person shall allow the discharge into the open air of the exhaust of any motorcycle or motor vehicle, except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.

(f) No person shall operate within the City any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise

Section 2. The provisions of this Section shall not apply to any of the following:

- (1) Any activities conducted as an approved part of a public activity, such as parades, fireworks, sports events, festivals, musical productions and other activities which have the approval within the scope of their authority as conferred by law on any local, state or federal governmental entity, or by any public, private or parochial school or other educational institution.

- (2) Any activities which are reasonably related to the conduct of any business, commercial or industrial enterprise upon property on which such uses are otherwise lawful.
- (3) The normal and customary engine noises, not caused by defects, produced by any motor vehicle that is otherwise being lawfully operated upon the public ways or in private driveways or parking lots.
- (4) The normal and customary noises produced by machinery or equipment that is being used on public or private property in order to remedy property damage or while being used during an emergency or other exigent circumstances.

Section 3. Nothing in the exceptions set forth in Section 2 above shall serve to allow or authorize any activity which would otherwise be regarded as a public nuisance other than by the provisions of this Section.

Section 4. A violation of any provisions of this Ordinance shall be punishable with a fine of fifty dollars (\$50) on a first offense; one-hundred dollars (\$100) on a second offence; and a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) and incarceration of not to exceed thirty (30) days on a third or subsequent offense; together with court costs and all other fees as may be assessed by the municipal court.


Section 5. Ordinance No. 304 is hereby repealed.

Section 6. This Ordinance shall take effect and be in force, from and after its publication in the official City newspaper.

Passed by the council the 11th day of May, 2022 and approved by the mayor.



Aaron Stokes, Mayor



Attest: Michelle Adams, City Clerk